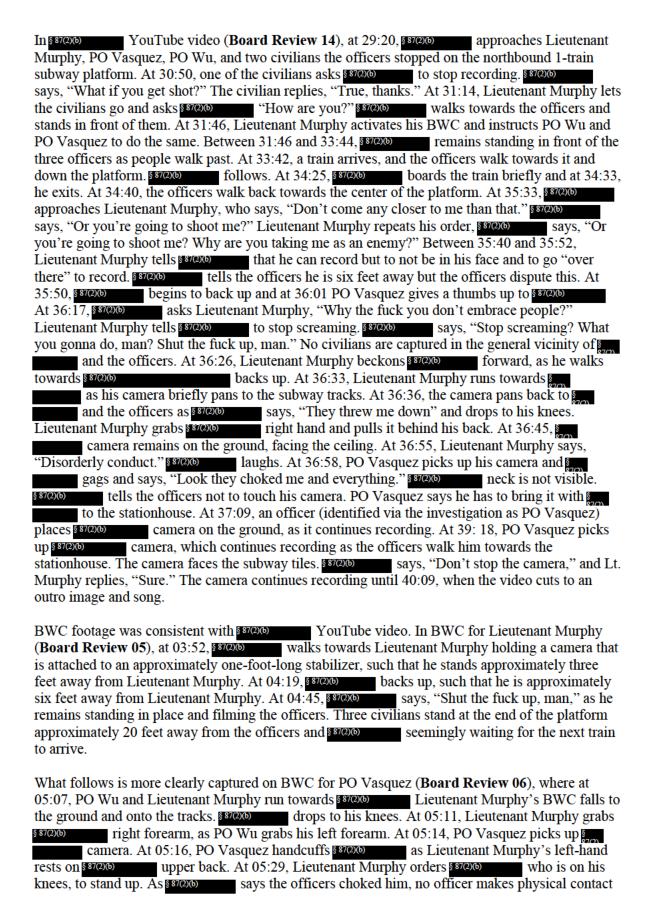
## CCRB INVESTIGATIVE RECOMMENDATION

		ESTIGNITYE							
Investigator:		Team:	CCRB Case #:	☑	Force	$\checkmark$	Discourt	. 🗆	U.S.
Ariana Thomas		Squad #16	202202712	☑	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:			18 N	Io. S	OL	1	Precinct:
Friday, 04/15/2022 8:32 PM, Friday, 04/15/2022 11:27 PM, Saturday, 04/16/2022 2:00 AM		59th Street/Columbus Circle subway station; En route to MCB; Transit District 1 stationhouse			10/15/2023				18
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Tim	e Rec	eived at CC	RB	
Wed, 04/20/2022 9:00 AM		IAB	E-mail		Fri, 04/29	9/2022	11:04 AM	ſ	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. LT SA Ryan Murphy	00000	933077	TD 01 LTP						
2. PO Randy Vasquez	09434	958146	TD 01 LTP						
3. PO Daming Wu	03034	957296	TD 01 LTP						
4. PO Jose Quimizchavez	01840	966790	TD 1						
5. PO Moises Calderon	08769	929816	TD 1						
6. Officers									
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. PO Christian Medina	12981	966211	TD 1						
2. PO Fidias Peralta	29682	955312	TD 01 LTP						
Officer(s)	Allegatio	on .			Inv	estiga	ator Reco	mme	ndation
A . LT SA Ryan Murphy	Circle su	n April 15, 2022, at the bway station in Manhatt used physical force again	tan, Lieutenant Ryan						
B . PO Daming Wu	Circle su	n April 15, 2022, at the abway station in Manhatt physical force against	tan, Police Officer D		ing				
C . Officers	Circle su	Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, officers used a chokehold against [\$37(2)(6)]							
D . LT SA Ryan Murphy	Circle su	on April 15, 2022, at the bway station in Manhatt interfered with § 87(2)(6)		ı					
E . LT SA Ryan Murphy	Circle su	on April 15, 2022, at the bway station in Manhatt ssued an unlawful sumr	tan, Lieutenant Ryan						
F . PO Randy Vasquez	Central E	esy: On April 15, 2022, Booking, Police Officer I ously to \$87(2)(b)							

Officer(s)	Allegation	Investigator Recommendation
G . PO Moises Calderon	Abuse: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Moises Calderon did not process \$\frac{87(2)(b)}{2}\$ complaint regarding officers.	
H . PO Jose Quimizchavez	Abuse: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Jose Quimiz Chavez did not process (\$87(2)(b) complaint regarding officers.	

## Case Summary

On April 20, 2022, this complaint was filed anonymously via email with Deputy Inspector Kenneth Gorman of the 114th Precinct. The complaint contained a YouTube video posted by \$87(2)(6) IAB received the complaint under IAB log second The complaint was received by the CCRB on April 29, 2022. On April 15, 2022, at approximately 8:32 p.m., at the 59th Street—Columbus Circle subway station in Manhattan, \$3000 approached Lieutenant Ryan Murphy, Police Officer Randy Vasquez, and Police Officer Daming Wu, all of Anti-Terrorism, and two civilians the officers stopped and began recording them with a camera attached to a stabilizer. Lieutenant Murphy and PO Wu allegedly threw \$37200 to the ground and handcuffed him (Allegations A-B: Force, Officers allegedly choked § 87(2)(6) (Allegation C: Force, § 87(2)(g) Lieutenant Murphy interfered with \$87(2)(b) recording and removed him to the stationhouse to charge him with disorderly conduct (Allegation D: Abuse of Authority, \$870)@ Allegation E: Abuse of Authority, §87(2)(g) At approximately 11:27 p.m., Police Officer Fidias Peralta, of Anti-Terrorism, and PO Vasquez transported \$37000 to Manhattan Central Booking. En route, PO Vasquez told \$37000 have no idea who the fuck you are" (Allegation F: Discourtesy, §87(2)(2) On April 16, 2022, at approximately 2:00 a.m., \$87(2)(6) went to the Transit District 1 stationhouse, where Police Officer Moises Calderon and Police Officer Jose Quimiz Chavez, both of Transit District 1, refused to file his complaint (Allegation G: Abuse of Authority: § 87(2)(g) Allegation H: Abuse of Authority, [88/(2)(g) received a C-Summons for disorderly conduct, which was dismissed (Board Review **01**). This case was originally assigned to former Investigator Lydia Woolley. On February 13, 2023, it was reassigned to Investigator Ariana Thomas. The investigation obtained body-worn camera ("BWC") footage (Board Review 02-12) from the NYPD Legal Bureau, video surveillance footage (Board Review 13) of the 59th Street Columbus Circle subway station from the MTA, and video footage that several posted on his YouTube channel (Board Review 14-15). Findings and Recommendations Allegation (A) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy used physical force against [887(2)(6) Allegation (B) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Police Officer Daming Wu used physical force against Allegation (C) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, officers used a chokehold against §87(2)(b) Allegation (D) Abuse of Authority: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy interfered with \$87(2)(6) use of a recording device. Allegation (E) Abuse of Authority: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy issued an unlawful summons to refused to provide a statement to the CCRB (Board Review 16).



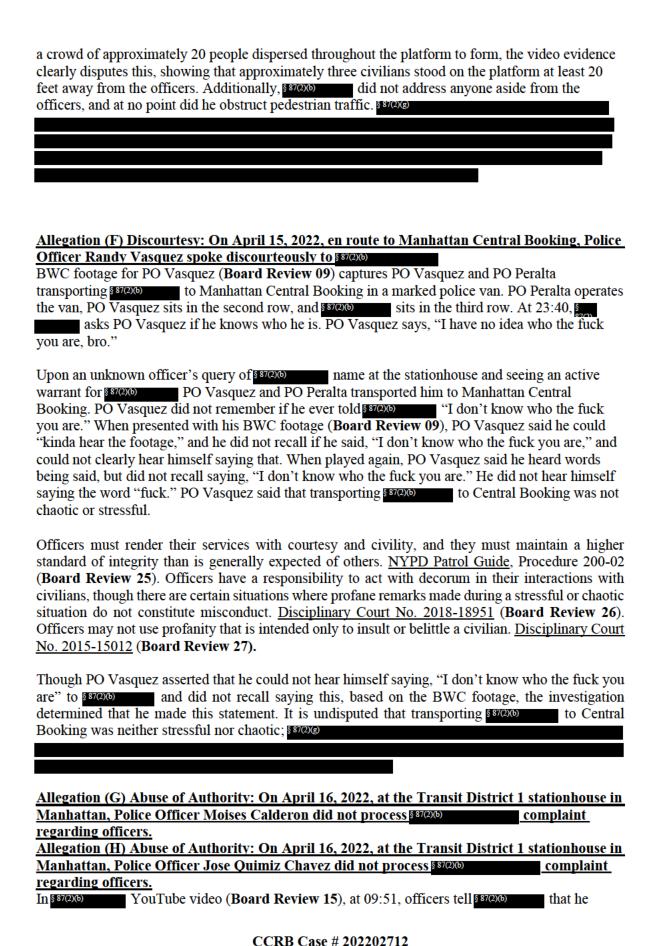
MTA footage does not capture this incident (**Board Review 13**). Lieutenant Murphy's statement was generally consistent with the video evidence (Board Review 17). He testified that he observed \$87(2)(b) filming the officers and the two civilians they stopped. Approximately eight seconds after the officers concluded their stop, Lieutenant Murphy saw that \$87(2)(b) was still recording the officers, so he reactivated his BWC. After conducting a train inspection, \$87(2)(b) entered Lieutenant Murphy's zone of safety, such that he stood approximately three feet away from him. §87(2)(b) was not committing any violations at this point. Lieutenant Murphy did not know \$87(2)(b) who was holding a camera attached to a stabilizer, which could have been used as a weapon, within three feet of his face, nor did he know his mental state or what he was capable of. Additionally, they were on an active subway platform with people and incoming trains, which is a dangerous situation on any given day. While was refusing Lieutenant Murphy's orders, he said, in a raised voice, "Why are you taking me as an enemy?" which is also another reason why Lieutenant Murphy did not want \$87(2)(b) so close to him because this statement was made seemingly out of nowhere. Once \$87(2)(b) complied with PO Vasquez's orders to back up, he began to yell, scream, shout, curse, and cause public alarm, at which point Lieutenant Murphy determined that his conduct rose to the level of disorderly conduct and decided to arrest him. Lieutenant Murphy did not remember what was screaming about, though he knew that it was directed towards the officers. § 87(2)(6) was not making any threats towards anyone; he was just screaming and cursing. Approximately seven to eight people stood towards the end of the platform and appeared to stay away from the officers because of the interaction they were having with \$87(2)(b) On the other side of the platform additional civilians waited for the train, though Lieutenant Murphy did not know if they were paying attention. Besides screaming, yelling, and cursing, \$87(2)(6) was not doing anything else that rose to the level of disorderly conduct or made him cause public alarm. backed away from the officers, Lieutenant Murphy grabbed his right shoulder to place him under arrest. \$87(2)(b) turned his camera towards himself and then went down to his knees on his own. Lieutenant Murphy denied that he or any officer pushed or shoved [887(2)] the ground. Lieutenant Murphy pulled \$87(2)(b) right arm behind his back, PO Wu pulled his left arm behind his back, and PO Vasquez attached the handcuffs. §87(2)(b) made a gagging sound, as the officers stood him up from a kneeling position to his feet once he was handcuffed and said, "They're choking me." At this point, PO Wu and PO Vasquez were solely making physical contact with \$87(2)(6) hands and forearms to pick him up off the ground. Lieutenant Murphy denied ever making any physical contact with any part of \$87(2)(b) neck or choking \$87(2)(b) and never observed any officer do so. Lieutenant Murphy's memo book (Board Review 18) notes that § 87(2)(b) was issued a C-Summons § 87(2)(b) PO Vasquez's statement was somewhat consistent with the video evidence and Lieutenant Murphy's testimony (**Board Review 19**). He testified that \( \section \) was causing public alarm because civilians standing on the platform were looking at him and the officers and a crowd of approximately 20 people dispersed throughout the platform began to form. § 87(2)(b) was not talking to other civilians at this time nor was he blocking any pedestrian traffic. Besides yelling, screaming, and that a crowd was forming, \$87(2)(b) was not doing anything else to be disorderly. Lieutenant Murphy made the decision to place \$87(2)(6) under arrest. dropped to his knees on his own and PO Vasquez nor any officer ever pushed \$87(2)(6) to the ground. PO Vasquez never saw any officer choke \$87(2)(b) or make any contact with his neck.

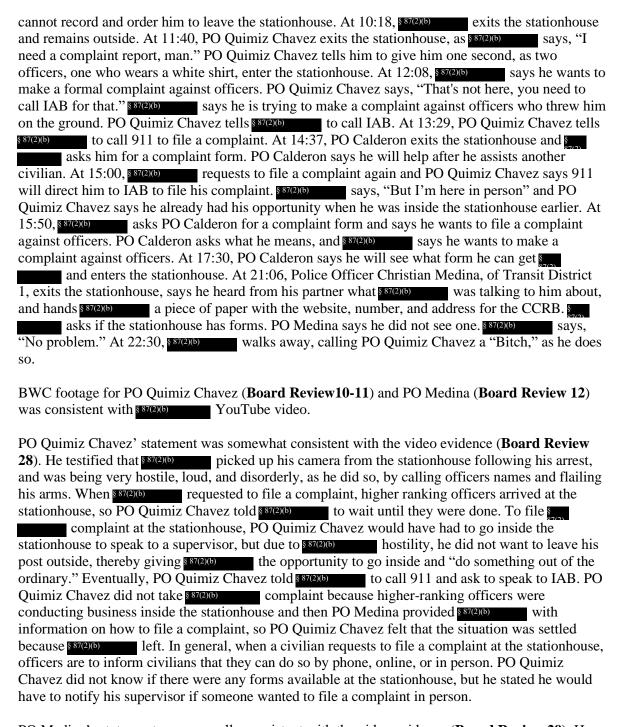
with \$87(2)(b) neck. The officers transport \$87(2)(b) to the Transit District 1 stationhouse.

A request for a C-Summons (Board Review 20) to the NYPD Legal Bureau returned with negative results, citing that the summons was not in the NYPD database anymore as it likely already went to court. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] Though the video evidence captures stating that the officers threw him to the ground and choked him, the video evidence also shows that \$87(2)(6) dropped to his knees on his own and that, at the moment when he alleged officers choked him, no officers made any physical contact with his neck, which is consistent with the officers' testimony. §87(2)(2) NYPD Administrative Guide 304-21 (Board Review 21) states that individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. The right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/recording. Given that Lieutenant Murphy made the decision to initiate \$37(2)(6) arrest for disorderly conduct, Allegation D was solely pled against him. Given that Lieutenant Murphy was arresting for disorderly conduct, § 87(2)(g) Furthermore, though § 87(2)(6) did not provide a statement to the CCRB, he did not allege in his YouTube video that the officers stopped his camera from recording. YouTube video confirms that his camera was still recording as the officers walked him to the stationhouse, the investigation determined that no officer stopped \$87(2)(6) recording; they solely took the camera from him once he was arrested. § \$7(0)(g) New York State Penal Law, Section 240.20 states that a person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he engages in fighting or in violent, threatening behavior, or he makes unreasonable noise, or, in a public place, he uses abusive or obscene language, or makes an obscene gesture, or without lawful authority, he disturbs any lawful assembly or meeting of persons, or he obstructs vehicular or pedestrian traffic, or he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse, or he creates a hazardous or physically offensive condition by an act which serves no legitimate purpose (Board Review 22).

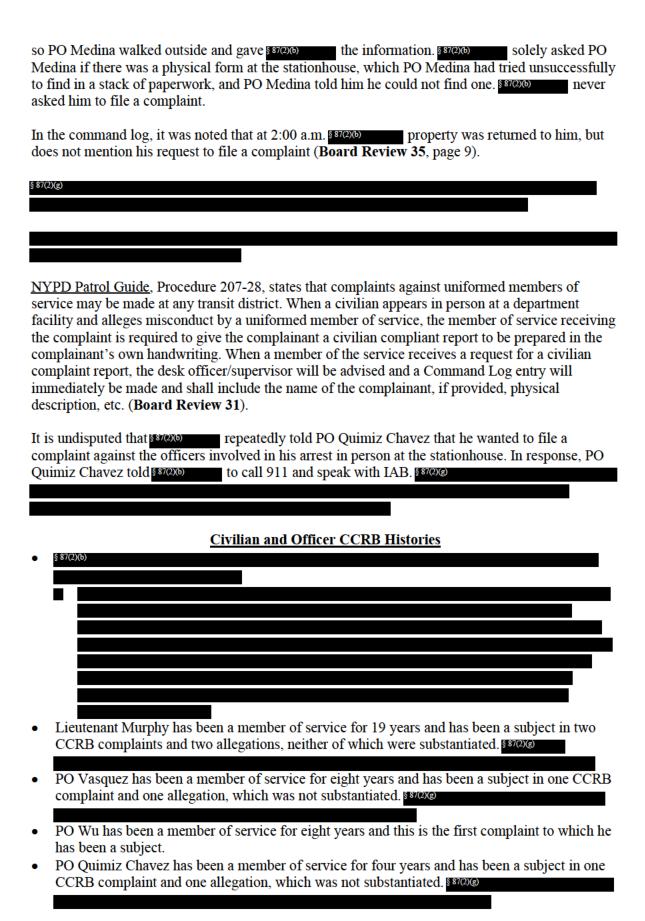
<u>People v. Baker</u>, 20 N.Y.3d 354, states that, "critical to a charge of disorderly conduct is a finding that defendant's disruptive statements and behavior were of a public rather than an individual dimension" (**Board Review 23**). <u>People v. Weaver</u>, 16 N.Y.3d 123, states that, "a person may be guilty of disorderly conduct only when the situation extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem" (**Board Review 24**).

Given that Lieutenant Murphy made the decision to initiate arrest for disorderly conduct, **Allegation E** was solely pled against him. The video evidence captures using profanity and expressing discontent that Lieutenant Murphy does not "embrace people." The investigation determined that behavior throughout this incident was consistent with a civilian exercising his lawful right to record police in public, rather than an attempt to cause public annoyance, inconvenience, or alarm. Though PO Vasquez testified that strong actions caused





PO Medina's statement was generally consistent with the video evidence (**Board Review 29**). He testified that from inside the stationhouse, he saw standing outside the entrance holding a camera that faced PO Quimiz Chavez, but that he could not hear what was being said. PO Medina heard from the T/S Operator, identified via the investigation as PO Calderon, that stationhouse wanted to speak to the CCRB, so he wrote down the information on scrap paper. No one ever asked PO Medina to get this information for stationhouse. He took it upon himself to do so since the CCRB's information is posted on a wall inside the stationhouse. After writing the CCRB's information down, PO Medina conferred with the desk officer, whom he did not recall, by saying, "I am going to give this to the gentleman outside. Am I good to do that?" The desk officer said yes,



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•	§ 87(2)(g)
	Mediation, Civil, and Criminal Histories
•	This complaint was not suitable for mediation.
•	As of May 10, 2023, the New York City Office of the Comptroller has no record of a Notice of
	Claim being filed in regards to this incident (Board Review 33).
	[\$ 87(2)\text{\$\text{\$\text{\$}}}] [\$\frac{8}{6}(1)\text{\$\text{\$\text{\$}}}] [\$\frac{8}{1}(2)\text{\$\text{\$\text{\$}}}]

[§ 87(2)(b)] [§§ 86(1)(3)(	&(4)] [§ 87(2)(c)]		
Squad: 16			
Investigator:	Ariana Thomas	Inv. Ariana Thomas	06/02/2023
	Signature	Print Title & Name	Date
Squad Leader:	Patrick Yu	IM Patrick Yu	06/02/2023
_	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date